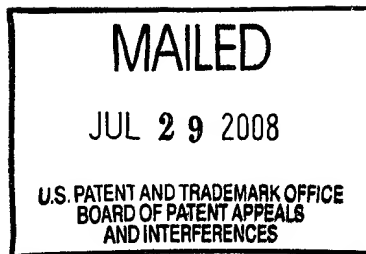


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte MATTHEW S. REIMINK
and
MATTHEW F. OGLE

Application 09/475,721

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 13, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

Pursuant to a memorandum dated April 29, 2002 by Stephen G.

Kunin, Deputy Commissioner for Patent Examination Policy:

Effective immediately, no appeal should be forwarded to the Board of Patent Appeals and Interferences for decision where: (1) a rejection is supported in whole or part by an abstract without reference to the underlying document, . . . ; or (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English [emphasis added].

The Image File Wrapper (IFW) is not in compliance with the above because it does not appear to contain certified English translation for Sumitomo, JP 59192366, which was relied upon by the Examiner in his rejection of the claims.


Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) for obtaining a certified English language translation for Sumitomo, JP 59192366;
 - 2) for having a complete copy of the English language translation scanned into the IFW and furnishing a copy of said translation to appellants;
- and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
DALE M. SHAW
Chief Appeals Administrator
(571) 272-9797

DMS:psb

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